



General Assembly

February Session, 2008

Raised Bill No. 5873

LCO No. 3000

03000_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING THE FACE OF CONNECTICUT STEERING
COMMITTEE AND THE PRESERVATION OF FARMLAND.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) There is established an
2 account to be known as the "Face of Connecticut account" which shall
3 be a separate, nonlapsing account within the General Fund. The
4 account shall contain any moneys required by law to be deposited in
5 the account and including contributions from any source, public or
6 private. Any moneys in the account shall be expended by the Face of
7 Connecticut Account Steering Committee established pursuant to
8 section 2 of this act as follows: (1) Sixty-five per cent of such funds
9 shall be used to fund the following programs: (A) The state program
10 for the preservation of agricultural land, established under chapter
11 422a of the general statutes, (B) the joint state and municipal purchase
12 of development rights of agricultural land program, established under
13 section 22-26cc of the general statutes, (C) the open space and
14 watershed land acquisition program, established under section 7-131d
15 of the general statutes, (D) the recreation and natural heritage trust
16 program, established under chapter 453 of the general statutes, (E) the

17 preservation activities of the Connecticut Trust for Historic
18 Preservation, established pursuant to special act 75-93, and (F) historic
19 preservation activities, as provided in sections 10-409 to 10-415,
20 inclusive, of the general statutes; and (2) the remaining thirty-five per
21 cent shall be used for the municipal and regional grant program
22 created pursuant to section 4 of this act. The Commissioner of
23 Environmental Protection shall administer said account.

24 Sec. 2. (NEW) (*Effective from passage*) (a) There is established the Face
25 of Connecticut Account Steering Committee, which shall be within the
26 Department of Environmental Protection for administrative purposes
27 only. Said committee shall distribute any funds deposited in the Face
28 of Connecticut account created under section 1 of this act. The
29 committee shall consist of the Commissioners of Environmental
30 Protection and Agriculture, the chairperson of the Connecticut
31 Commission on Culture and Tourism, and eight other members, two of
32 whom shall be appointed by the president pro tempore of the Senate,
33 two of whom shall be appointed by the speaker of the House of
34 Representatives, two of whom shall be appointed by the minority
35 leader of the Senate, and two of whom shall be appointed by the
36 minority leader of the House of Representatives.

37 (b) All initial appointments to the committee shall be made not later
38 than November 1, 2008. The term of each appointed member of the
39 steering committee shall be coterminous with the term of the
40 appointing authority or until a successor is chosen, whichever is later.
41 The Commissioner of Environmental Protection shall serve as
42 chairperson of the committee.

43 (c) The committee shall meet quarterly and shall distribute capital
44 funds in accordance with section 1 of this act.

45 Sec. 3. (*Effective July 1, 2008*) (a) For the purposes described in
46 subsection (b) of this section, the State Bond Commission shall have
47 the power, from time to time, to authorize the issuance of bonds of the
48 state in one or more series and in principal amounts not exceeding in

49 the aggregate one hundred million dollars.

50 (b) The proceeds of the sale of said bonds, to the extent of the
51 amount stated in subsection (a) of this section, shall be deposited in the
52 Face of Connecticut account created pursuant to section 1 of this act for
53 the purposes specified in section 1 of this act.

54 (c) All provisions of section 3-20 of the general statutes, or the
55 exercise of any right or power granted thereby, which are not
56 inconsistent with the provisions of this section are hereby adopted and
57 shall apply to all bonds authorized by the State Bond Commission
58 pursuant to this section, and temporary notes in anticipation of the
59 money to be derived from the sale of any such bonds so authorized
60 may be issued in accordance with said section 3-20 and from time to
61 time renewed. Such bonds shall mature at such time or times not
62 exceeding twenty years from their respective dates as may be provided
63 in or pursuant to the resolution or resolutions of the State Bond
64 Commission authorizing such bonds. None of said bonds shall be
65 authorized except upon a finding by the State Bond Commission that
66 there has been filed with it a request for such authorization which is
67 signed by or on behalf of the Secretary of the Office of Policy and
68 Management and states such terms and conditions as said commission,
69 in its discretion, may require. Said bonds issued pursuant to this
70 section shall be general obligations of the state and the full faith and
71 credit of the state of Connecticut are pledged for the payment of the
72 principal of and interest on said bonds as the same become due, and
73 accordingly and as part of the contract of the state with the holders of
74 said bonds, appropriation of all amounts necessary for punctual
75 payment of such principal and interest is hereby made, and the State
76 Treasurer shall pay such principal and interest as the same become
77 due.

78 Sec. 4. (NEW) (*Effective from passage*) (a) The Commissioner of
79 Environmental Protection, in consultation with the Face of Connecticut
80 Account Steering Committee established pursuant to section 2 of this

81 act, shall establish a grant program for municipal and regional
82 planning efforts. Such grants may be used for purposes that include,
83 but are not limited to, the renovation and enhancement of urban parks,
84 fostering of land conservation, affordable housing and historic
85 preservation, preservation of distinctive landscapes or loans to aid
86 immediately threatened high priority local projects.

87 (b) To apply for a grant, an applicant shall submit a grant
88 application on forms prescribed by the Commissioner of
89 Environmental Protection. The commissioner may reject any grant
90 application that the commissioner determines to be incomplete. If the
91 commissioner rejects an application, the commissioner shall promptly
92 notify the applicant of the reasons for the rejection and, not later than
93 fifteen days after the date of such notice, such applicant may resubmit
94 the application in the same manner as the original application.

95 (c) The Commissioner of Environmental Protection shall develop
96 guidelines specifying criteria and the procedures for the award of a
97 grant in accordance with this section.

98 Sec. 5. Section 22-26gg of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2008*):

100 The commissioner shall adopt, in accordance with chapter 54, such
101 regulations as he deems necessary to carry out the purposes of this
102 chapter. Such regulations shall provide that individual landowners
103 applying for such program shall be eligible to receive no less than
104 twenty thousand dollars per acre for development rights and a
105 schedule of the state's contribution for projects initiated by
106 municipalities that shall be as follows: (1) for one thousand acres or
107 more, a maximum of one million two hundred thousand dollars; (2)
108 for eight hundred to nine hundred ninety-nine acres, a maximum of
109 one million dollars; (3) for six hundred to seven hundred ninety-nine
110 acres, a maximum of eight hundred thousand dollars; (4) for four
111 hundred to five hundred ninety-nine acres a maximum of six hundred
112 thousand dollars; (5) for two hundred to three hundred ninety-nine

113 acres a maximum of four hundred thousand dollars; and (6) for one
114 hundred ninety-nine acres or less, a maximum of two hundred
115 thousand dollars.

116 Sec. 6. (NEW) (*Effective from passage*) (a) The Commissioner of
117 Agriculture shall establish a program for the preservation of small
118 farms consisting of thirty acres or less. The commissioner may
119 purchase up to one hundred per cent of the value of development
120 rights of an eligible owner, with a maximum price of twenty thousand
121 dollars an acre for such development rights. For the purposes of this
122 section, "development rights" and "owner" shall have the same
123 meanings as in section 22-26bb of the general statutes.

124 (b) The Commissioner of Agriculture, in consultation with the
125 Farmland Preservation Advisory Board established under section 22-
126 26ll of the general statutes, shall establish criteria for the program. The
127 state plan of conservation and development established pursuant to
128 section 16a-24 of the general statutes shall be applied as an advisory
129 document to the acquisition of development rights of any agricultural
130 lands. The factors to be considered by the commissioner in deciding
131 whether or not to acquire such rights shall include, but not be limited
132 to, the following: (1) The probability that the land will be sold for
133 nonagricultural purposes; (2) the current productivity of such land and
134 the likelihood of continued productivity; (3) the suitability of the land
135 as to soil classification and other criteria for agricultural use; (4) the
136 degree to which such acquisition would contribute to the preservation
137 of the agricultural potential of the state; (5) any encumbrances on such
138 land; (6) the cost of acquiring such rights; and (7) the degree to which
139 such acquisition would mitigate damage due to flood hazards.

140 (c) Notice of an offer to sell development rights shall be submitted
141 by the owner of agricultural land in writing to the commissioner and
142 shall be filed in the land records of the town in which the agricultural
143 land is situated. If ownership of any land for which development
144 rights have been offered is transferred, the offer shall be effective until

145 the subsequent owner revokes the offer in writing. Upon receiving an
146 offer to sell development rights, the commissioner shall evaluate the
147 land in accordance with the factors specified in subsection (b) of this
148 section. For purposes of such evaluation, (1) ownership of land by a
149 nonprofit organization authorized to hold land for conservation and
150 preservation purposes, which prior to such ownership qualified for the
151 program, shall not be deemed to diminish the probability that the land
152 will be sold for nonagricultural purposes; and (2) the use or presence
153 of pollutants or chemicals in the soil shall not be deemed to diminish
154 the agricultural value of the land or to prohibit the commissioner from
155 acquiring the development rights to such land. After a preliminary
156 evaluation of such factors, the Commissioner of Agriculture shall
157 obtain and review one or more fee appraisals of the land in order to
158 determine the value of the development rights of such land. The
159 commissioner shall notify the Department of Transportation, the
160 Department of Economic and Community Development, the
161 Department of Environmental Protection and the Office of Policy and
162 Management that such land is being appraised. Any appraisal of the
163 value of such land obtained by the owner and performed in a manner
164 approved by the commissioner shall be considered by the
165 commissioner in making such determination. The value of
166 development rights for all purposes of this section shall be the
167 difference between the value of the land for its highest and best use
168 and its value for agricultural purposes as determined by the
169 commissioner. In determining the value of the land for its highest and
170 best use, consideration shall be given but not limited to sales of
171 comparable lands in the general area, use of which was unrestricted at
172 the time of sale. The commissioner may purchase development rights
173 for a lesser amount provided the commissioner complies with all
174 factors for acquisition specified in this subsection and in any
175 implementing regulations.

176 (d) Upon the acquisition by the commissioner of the development
177 rights of agricultural land, the commissioner shall file a notice of
178 acquisition in the appropriate land records and in the office of the

179 Secretary of the State which shall set forth a description of the
180 agricultural land as will be sufficient to give any prospective purchaser
181 of such agricultural land or creditor of the owner thereof notice of such
182 restriction. Upon such filing, the owner of such agricultural land shall
183 be prohibited from exercising development rights with respect to such
184 land, and such development rights shall be considered and deemed
185 dedicated to the state in perpetuity, except as otherwise provided.

186 (e) (1) If restricted land is to be sold, the owner shall notify, in
187 writing, the commissioner of such impending sale not more than
188 ninety days before transfer of title to the land, and no agreement to sell
189 such land may be entered into or sale may be made until the
190 commissioner has (A) approved such transfer, based upon an
191 assessment of whether the potential buyer intends to use the land for
192 farming purposes, and (B) approved the subsequent buyer. The owner
193 shall submit the potential buyer's plan for use of the land and the
194 offering purchase price to the commissioner.

195 (2) Not later than forty-five days after such notice has been so given,
196 the commissioner may give written notice to the owner of the state's
197 desire to purchase such land and shall have the right to purchase the
198 interest in the land which the owner has declared its intent to sell. If
199 the commissioner fails to purchase such land not later than sixty days
200 after notice has been given by the municipality of its desire to purchase
201 the land, as provided in this section, the commissioner shall have
202 waived the right to purchase the land and the transfer shall be deemed
203 approved. The provisions of this subsection shall not apply to a
204 transfer of land between family members or qualified farmers, as
205 defined by the commissioner in regulations adopted pursuant to
206 subsection (g) of this section.

207 (f) The commissioner shall have no power to release such land from
208 its agricultural restriction, except as set forth in this subsection. The
209 commissioner, in consultation with the Commissioner of
210 Environmental Protection and such advisory groups as the

211 Commissioner of Agriculture may appoint, may approve (1) a petition
212 by the owner of the restricted agricultural land to remove such
213 restriction, provided such petition is approved by resolution of the
214 legislative body of the town; or (2) a petition by the legislative body of
215 the town in which such land is situated to remove such restriction,
216 provided such petition is approved in writing by said owner. Upon
217 approval of such a petition by the commissioner, the legislative body
218 of the town shall submit to the qualified voters of such town the
219 question of removing the agricultural restriction from such land, or a
220 part thereof, at a referendum held at a regular election or a special
221 election warned and called for that purpose. In the event a majority of
222 those voting at such referendum are in favor of such removal, the
223 restriction shall be removed from the agricultural land upon filing of
224 the certified results of such referendum in the land records and the
225 office of the Secretary of the State, and the commissioner shall convey
226 the development rights to such owner, provided such owner shall pay
227 the commissioner an amount equal to the value of such rights. Such
228 petition shall set forth the facts and circumstances upon which the
229 commissioner shall consider approval, and said commissioner shall
230 deny such approval unless he determines that the public interest is
231 such that there is an overriding necessity to relinquish control of the
232 development rights. The commissioner shall hold at least one public
233 hearing prior to the initiation of any proceedings hereunder. The
234 expenses, if any, of the hearing and the referendum shall be borne by
235 the petitioner. In the event that the state sells any development rights
236 under the procedure provided in this subsection, it shall receive the
237 value of such rights.

238 (g) The commissioner shall adopt regulations in accordance with the
239 provisions of chapter 54 of the general statutes to implement the
240 provisions of this section.

241 Sec. 7. (NEW) (*Effective from passage*) (a) The Commissioner of
242 Agriculture shall establish a grant program for the preservation of
243 locally significant farmland. Such program shall provide no interest

244 loans or matching grants for the purchase of the development rights of
245 qualifying farmland. Criteria for such a grant shall include (1) the
246 economic productivity of the parcel; (2) environmental benefits; and (3)
247 cultural or historical significance. For the purposes of this section
248 "eligible owner" means a municipality or a land trust in partnership
249 with one or more municipalities, "qualifying farmland" means locally
250 significant farmland consisting of not less than ten acres, and
251 "development rights" shall have the same meaning as in section 22-
252 26bb of the general statutes.

253 (b) Eligible owners may receive up to a sixty-five per cent matching
254 grant for the purchase of the development rights of qualifying
255 farmland that consists of twenty per cent or more of cropland or
256 agricultural soil. Such grants shall be issued according to the following
257 limits: For qualifying farmland consisting of agricultural soil or
258 cropland in a quantity of (1) twenty per cent to twenty-nine per cent,
259 inclusive, a grant not to exceed two hundred thousand dollars; (2)
260 thirty per cent to thirty-nine per cent, inclusive, a grant not to exceed
261 three hundred thousand dollars; (3) forty to forty-nine per cent,
262 inclusive, a grant not to exceed four hundred thousand dollars; and (4)
263 fifty per cent or more, a grant not to exceed five hundred thousand
264 dollars. Municipal applicants may also apply for a no interest loan to
265 acquire the development rights of qualifying farmland.

266 (c) To apply for a grant, an applicant shall submit a grant
267 application on forms prescribed by the Commissioner of Agriculture.
268 Such application shall include an appraisal of the property performed
269 in a manner approved by the commissioner. The commissioner may
270 reject any grant application that the commissioner determines to be
271 incomplete. If the commissioner rejects an application, the
272 commissioner shall promptly notify the applicant of the reasons for the
273 rejection and, not later than fifteen days after the date of such notice,
274 such applicant may resubmit the application in the same manner as the
275 original application.

276 (d) The Commissioner of Agriculture shall adopt regulations in
277 accordance with the provisions of chapter 54 of the general statutes to
278 implement the provisions of this section.

279 Sec. 8. (*Effective July 1, 2008*) (a) For the purposes described in
280 subsection (b) of this section, the State Bond Commission shall have
281 the power, from time to time, to authorize the issuance of bonds of the
282 state in one or more series and in principal amounts not exceeding in
283 the aggregate three million dollars.

284 (b) The proceeds of the sale of said bonds, to the extent of the
285 amount stated in subsection (a) of this section, shall be used by the
286 Department of Agriculture for the purpose of the farmland
287 preservation programs established under sections 6 and 7 of this act.

288 (c) All provisions of section 3-20 of the general statutes, or the
289 exercise of any right or power granted thereby, which are not
290 inconsistent with the provisions of this section are hereby adopted and
291 shall apply to all bonds authorized by the State Bond Commission
292 pursuant to this section, and temporary notes in anticipation of the
293 money to be derived from the sale of any such bonds so authorized
294 may be issued in accordance with said section 3-20 and from time to
295 time renewed. Such bonds shall mature at such time or times not
296 exceeding twenty years from their respective dates as may be provided
297 in or pursuant to the resolution or resolutions of the State Bond
298 Commission authorizing such bonds. None of said bonds shall be
299 authorized except upon a finding by the State Bond Commission that
300 there has been filed with it a request for such authorization which is
301 signed by or on behalf of the Secretary of the Office of Policy and
302 Management and states such terms and conditions as said commission,
303 in its discretion, may require. Said bonds issued pursuant to this
304 section shall be general obligations of the state and the full faith and
305 credit of the state of Connecticut are pledged for the payment of the
306 principal of and interest on said bonds as the same become due, and
307 accordingly and as part of the contract of the state with the holders of

308 said bonds, appropriation of all amounts necessary for punctual
309 payment of such principal and interest is hereby made, and the State
310 Treasurer shall pay such principal and interest as the same become
311 due.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2008</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>October 1, 2008</i>	22-26gg
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>July 1, 2008</i>	New section

Statement of Purpose:

To create the Face of Connecticut Account Steering Committee to administer capital funds for various state programs, to authorize additional bonds of the state for such programs, to modify the provisions of the farmland preservation program, and to create new grant programs for municipal and regional planning, small farms and locally significant farms.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]